

REMARKS

Claims 31, 25, 37, and 40-66 are pending in the application.

Claims 1-30, 32-34, 36, 38 and 39 have been previously cancelled.

The Examiner has indicated that claims 40-60 and 64-66 are allowed.

New claim 67 is presented. Support for this claim can be found in claims 31 and 37.

No new matter has been added.

RCE Filed

Applicants have filed a Request for Continued Examination (RCE) concurrent herewith.

Petition for Suspension of Action Under 37 C.F.R. § 1.103(c)

Applicants have also filed with the RCE a Petition for Suspension of Action requesting a three (3) month suspension of examination of the Application. Applicants have included authorization for the Commissioner to withdraw the necessary fee under 37 C.F.R. § 1.17(i) as required. Applicants submit that they have satisfied all of the requirements for the Petition for Suspension of Action Under 37 C.F.R. § 1.103(c) and hereby request that the petition be granted.

Rejections Under 35 U.S.C. § 112, Enablement

The Examiner rejects claims 31, 35, 37, and 61-63 under 35 U.S.C. 112, first paragraph, as not being enabled. Applicants respectfully traverse.

The Examiner seems to require a showing of efficacy of in vivo administration of DMBT1. Applicants submit that in vivo data has been provided with the evidence in the Specification, showing that the presence of expressed DMBT1 decreased the sensitivity to an inflammatory agent (i.e. DSS).

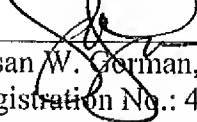
Furthermore, Applicants provide the Declaration of Dr. Jan Mollenhauer, which provides confirmation that the supplementation with either the polypeptide or the peptides of the invention can be applied for cancer therapy. (Declaration, page 9) Further, the Declaration provides evidence that administration of DMBT1 (i.e. SEQ ID NO: 1 or SEQ ID NO: 2) in vitro (sections 6-8) decreases inflammatory factors. The Declaration also provides evidence of other individuals who have come to the conclusion that administration of DMBT1 would be effective to treat diseases caused by the agents recited in claim 31, namely compounds having at least one accessible sulfate and/or at least one accessible phosphate group. (See the publication to Blackburn et al. 2007, attached to Declaration).

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Susan W. Gorman Reg. No. 47,604 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: July 26, 2010

Respectfully submitted,

By 
Susan W. Gorman, Ph.D.
Registration No.: 47,604
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicants

Attachments: Declaration of Dr. Mollenhauer
CV of Dr. Mollenhauer
Blackburn et al.
Tchatchou et al.